

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

THOMAS REICH,

Judgment Debtor,

and

THE VANGUARD GROUP, INC.,

Third-Partly Respondent.

17 CR 482-03 (JSR)

**STIPULATION AND ORDER  
IMPOSING FEDERAL LIEN  
ON PERSONAL PROPERTY**

WHEREAS, on September 21, 2018, the Court entered judgment against the judgment debtor, THOMAS REICH, imposing restitution in the amount of \$352,500,000;

WHEREAS, pursuant to 18 U.S.C. § 3613, upon entry of judgment, notwithstanding any other federal or state law, a lien arose on all of Reich's property and rights to property;

WHEREAS, pursuant to 18 U.S.C. §§ 3613(a), 3664(m), and N.Y. CPLR §§ 5222, 5224, the Government served a Restraining Notice and Information Subpoena on third-party respondent, The Vanguard Group, Inc. ("Vanguard"), on March 6, 2023 to withhold and disclose Reich's nonexempt property;

WHEREAS Vanguard answered that it holds substantial nonexempt property belonging to Reich, namely one Traditional IRA Brokerage Account No. ending in 8377 with an approximate value of \$203,450, subject to market fluctuation (Dkt. 118);

WHEREAS the Government served Reich with the restraining notice, including the exclusive and limited exemptions available to criminal judgment debtors under 18 U.S.C. § 3613;

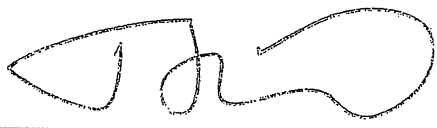
WHEREAS Reich has made payments totaling \$146,000, and after credit for payments received from jointly and severally liable codefendants, the outstanding principal balance of restitution is \$351,014,856 as of February 28, 2024;

WHEREAS Reich has a substantial nonexempt interest in the funds held by Vanguard, to which the criminal judgment lien has attached, and these funds are subject to garnishment, *see United States v. Irving*, 452 F.3d 110, 126 (2d Cir. 2006) (holding that 18 U.S.C. § 3613 permits the government to garnish assets held in a retirement account, including an IRA, to satisfy a restitution order);

WHEREAS the Government and Reich now seek to preserve his IRA until further order while the Government determines what nonexempt property belonging or due and owing to his jointly and severally liable codefendants may be available to make restitution;

IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. § 3613, a federal lien has been imposed on 100% of THOMAS REICH's Traditional IRA Brokerage Account No. ending in 8377 held by third-party respondent THE VANGUARD GROUP, INC. that restricts his ability to take loans against or otherwise receive distributions from those funds until further order of this Court.

Dated: New York, New York  
March \_\_ 2024

  
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THOMAS REICH  
*Defendant-Judgment Debtor*

  
\_\_\_\_\_  
DAMIAN WILLIAMS  
United States Attorney

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SO ORDERED:

  
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JED S. RAKOFF, U.S.D.J.

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